IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 2487 of 2002

Between:

Rakeeb Baig, S/o.Ghouse Baig,
R/o.12-2-37/1/A/156, Zebabad,
Asifnagar, Hyderabad.

..... PETITIONER

AND

1 The Station House Officer Asifnagar Police Station,
Hyderabad.
2 The Station House Officer Bowenpally Police Station,
Pension Lines, Secunderabad.
3 The Commissioner of Police Hyderabad City,
Basheerbagh, Hyderabad.
4 The Director General of Police Police Department, Govt.of A.P.,
Lakid-ka-pool, Hyderabad.
5 Ashfaq Baig, S/o.Shareef Baig,
R/o.Plot No.107, Pension Lane, Bowenpally, Secunderabad.
RR5 is impleaded as per Court Order in WPMP No.5744/02,

dt.20.3.2002
6 Rahman Baig S/o.Shareef Baig
R/o.Plot No.107, Pension Lane, Bowenpally, Secunderabad.
RR6 is impleaded as per Court Order in WPMP No.5744/2002

dt.20.3.2002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of Writ of

Mandamus directing the respondents to consider the complaint dt.5-02-2002, and register a FIR as per law and consequently declare the inaction of the respondents in not registering a FIR in pursuance of complaint dt.9-11-2001, and 5-2-2001 as being bad in law and against Principles of natural justice in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.2487 of 2002

ORDER:

The petitioner filed the instant writ petition complaining the inaction on the part of the respondents with reference to the complaint given by him on 05.2.2002. He seeks a direction to register F.I.R. based on the complaint given by him.

In the affidavit accompanying the writ petition, the petitioner alleged that his daughter Ayesha Khanam is married to Ashfaq Baig. He also alleged that her daughter was subjected to cruelty by his son-in-law and parents-in-law as well as sister-in-law. His daughter was divorced on 08.11.2001. When the petitioner went to the house of his former son-in-law to take articles, the son-in-law and his brother, who is a police constable, pelted stones at him. On 04.2.2002, the former son-in-law and his brother along with some other persons came to his house, in police dress,

demanded Rs.10,000/- and also threatened to arrest the petitioner and therefore, on 05.2.2002 he gave a complaint to the respondents regarding the incident but, they did not register F.I.R.

The first respondent filed counter affidavit stating that after receiving the complaint on 05.2.2002, enquiries were made in the locality and the people in the locality revealed that no such incident was occurred on 04.2.2002 as alleged. Additional counter affidavit is filed by the second respondent stating that the contents of the complaint dated 05.2.2002 are not true. It is further stated that the former son-in-law of the petitioner filed a private complaint on the file of the Court of XI Metropolitan Magistrate on 07.2.2002 and that the same was forwarded to the second respondent whereupon Crime No.112 of 2002 under Sections 379, 406, 411, 420, 464, 468, 470, 474, 120-B and 109 of Indian Penal Code, 1860 (IPC) was registered on 12.4.2002. The petitioner herein is accused No.3 in the said crime. It is also denied the allegation that the police did not take any action on the complaint given by the petitioner.

The two counter affidavits were filed in 2002 after duly serving the copies of them to the learned Counsel for the petitioner and no reply affidavit is filed denying the counter averments. Therefore, the case of the petitioner stands disproved and he is not entitled to any relief.

The writ petition is devoid of merits and is, accordingly, dismissed. No costs.

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(V.V.S.RAO,J)

23.06.2005

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To

1 The Station House Officer Asifnagar Police Station,
Hyderabad.
2 The Station House Officer Bowenpally Police Station,
Pension Lines, Secunderabad.

3 The Commissioner of Police Hyderabad City,
Basheerbagh, Hyderabad.
4 The Director General of Police Police Department, Govt.of A.P.,
Lakid-ka-pool, Hyderabad.
5 Two CCs to the G.P for Home, High Court of A.P., Hyderabad (O.U.T).

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